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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,144	11/18/2003	Theodore F. Emerson	200303930-4	5291

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2181

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,144

Applicant(s)

EMERSON ET AL.

Examiner

Christopher B. Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 7, 9, 14, 16, 21, 23, 25, 30, 33, 38, 40, 45, 47 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7, 9, 14, 16, 21, 23, 25, 30, 33, 38, 40, 45, 47 & 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment received March 9, 2006 has been entered and carefully considered. Claims 1-50 are pending in the application. Claims 2, 4, 6, 8, 10-13, 15, 17-20, 22, 24, 26-29, 31-32, 34-37, 39, 41-44, 46, 48 & 50 are withdrawn from further consideration.

Claim Rejections - 35 USC § 112

2. Claims 1, 3, 5, 7, 9, 14, 16, 21, 23, 25, 30, 33, 38, 40, 45, 47 & 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1;

The added phrase "configured to operate independently of a central processing unit (CPU) of the managed computer system" adds too many ambiguities and confusion to the claimed invention as follows:

Firstly, it is unclear as to what is operating independently of the CPU of the managed computer system (i.e., remote computer system, remote console, managed computer system, board processor).

Secondly, how does the CPU of the managed computer system structurally and functionally inter-coupled to the managed computer system?

Thirdly, it appears that none of the claimed limitations (i.e., a managed computer system, an expansion slot, a bus, a remote console functionality logic structure, etc)

have anything to do with the CPU of the managed computer system in the first place. In other words, none of the claimed limitations (i.e., before this amendment) had any dependency upon the CPU that was never a part of the system in terms performing any claimed function.

Fourthly, it is unclear as to whether the CPU is part of the claimed managed system in terms of providing any function, because the amended portions of the claims (lines 9-10) contradicts the before amended claims. For example, it appears that the processor of the board (a part of the managed computer) controls the logic, but the CPU of the managed computer (also a part of the managed computer) does not control the managed system. For the above reasons, the added limitations of lines 9-10 are not utilized by the claimed system, nor contribute any function to the claimed system. Furthermore, the amendment does not further limit the claimed invention in terms of operation and function. To make a point, it appears that the amended "CPU" is not any different than a piece of unused wire or dust in the managed system; they both do not contribute any function to the claimed system.

For the above reasons, the examiner cannot determine the metes and bounds of the claimed invention, due to many different possible interpretations of the claimed invention.

The above unclarities are similarly applied to the rest of the amended claims.

b. In claim 5;

The added phrase "configured to operate notwithstanding whether a CPU of the managed computer system malfunctions" adds too many ambiguities and confusion to the claimed invention as follows:

Firstly, how does the CPU of the managed system structurally and functionally inter-coupled to the management computer system? What functions or operations do the CPU provides to the managed system when the CPU does not malfunction?

Secondly, from the context of the claim 5, it appears that none of the claimed limitations (i.e., a managed computer system, I/O processor, video controller, a bus, remote console functionality logic structure, etc) have anything to do with the CPU of the managed computer system in the first place. In other words, none of the claimed limitations (i.e., before this amendment) had any thing to do with the malfunctioning of the CPU.

Thirdly, it is unclear as to whether the CPU is part of the claimed managed system in terms of providing any function, because the amended portions of the claims (lines 9-10) contradicts the before amended claims. For example, it appears that the processor of the board (a part of the managed computer) controls the logic, but the CPU of the managed computer (also a part of the managed computer) does not control the managed system. For the above reasons, the added limitations of lines 5-6 are not utilized by the claimed system, nor contribute any function to the claimed system. Furthermore, the amendment does not further limit the claimed invention in terms of operation and function. To make a point, it appears that the amended "CPU" is not any

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different than a piece of unused wire or dust in the managed system; they both do not contribute any function to the claimed system; in addition, the claimed managed system properly operates even when the CPU malfunctions.

For the above reasons, the examiner cannot determine the metes and bounds of the claimed invention, due to many different possible interpretations of the claimed invention.

The above unclarities are similarly applied to the rest of the amended claims.

c. In claim 9;

The added phrase "with diverting resources from a system processor of the managed computer system" adds too many ambiguities and confusion to the claimed invention as follows:

Firstly, how does the system processor of the managed computer system structurally and functionally inter-coupled to the management computer system in terms of having any relationship with the resources? What functions or operations do the system processor provides to the managed system in terms of affecting resources of the system.

Secondly, from the context of the claim 9, it is unclear as to whether the system processor is connected to the bus. If not, the above limitations do not further limit the previous claimed invention; if so, the claimed limitation do not further limit from the claimed invention, since the amended claim 9 still do not provide any functional or structural relationship to support diverting or without diverting resource limitation.

Thirdly, similar to claims 1 and 5, the added "system processor" does not have anything to do with the claimed limitations (i.e., claim 9 does not provide any hint or explanation as to how the system processor is functionally or structurally interconnected to the bus); therefore, it is unclear as to how the added limitations is accomplished (i.e., the examiner has to rely on the common knowledge or guess what the applicant is trying to claim). In addition, the added limitation is not utilized by the claimed system.

To make a point, it appears that the amended "system processor" is not any different or further limiting than a piece of unused wire or dust in the managed system; they both do not contribute any function to the claimed system.

For the above reasons, the examiner cannot determine the metes and bounds of the claimed invention, due to many different possible interpretations of the claimed invention.

The above unclarities are similarly applied to the rest of the amended claims.

d. Claims 16, 23, 30, 33, 40 & 47;

As for the rest of the independent claims 16, 23, 30, 33, 40 & 47, the unclarities of the claims 1, 5 & 9 are similarly applied; the nature of the unclarities of the above independent claims are substantially identical.

Response to Arguments

3. Applicant's arguments filed February 27, 2007 have been fully considered but they are not persuasive because, as can be seen from the 112 rejection above, the

amendment introduced too many unclarities & indefiniteness that the examiner cannot properly determine the metes and bounds of the claimed invention.

For the above reasons, the examiner maintains the art rejection as follows.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, 7, 9, 14, 16, 21, 23, 25, 30, 33, 38, 40, 45, 47 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngblood et al. (5,062,059).

e. In figure 1 and the respective descriptive sections disclose the teachings of the claimed limitations as follows:

Claims 1, 3 Youngblood (figure 1)

- A computer system, comprising
 - System of figure 1
- A bus for interconnecting managed computer system with an expansion slot
 - (26) for interconnecting (HOST) with a connection with (1)
- An expansion board comprising a processor the board disposed in the expansion slot; and
 - (1) comprising (8) connected to (26)
- a remote console functionality assist logic structure controlled by the processor to provide video signal generated by the managed computer system to a remote computer system
 - (1, 14) controlled by (8) to provide video signal generated by the (26) to (14, 23)

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- wherein the remote console functionality assist logic structure comprises a video encoder for encoding video signals transmitted between a video controlled and a system processor associated with the managed computer system
 - (1, 14) comprises (22) graphic controller – well known to have video encoder/decoder

Claims 5, 7 Youngblood (figure 1)

- A computer system, comprising
 - System of figure 1
- An input/output (I/O) processor disposed on a bus
 - (1, 14)
- A video controller disposed on the bus
 - Obvious feature of HOST, since the HOST provides video to (22 & 23)
- a remote console functionality assist logic structure disposed on the bus,
 - (1, 14)
- the structure controlled by the processor to provide video signals of the video controller to a remote computer system
 - (1, 14) controlled by (8) to provide video signal generated by the (26) to (14, 23)
- wherein the remote console functionality assist logic structure comprises a video encoder for encoding video signals of the video controlled
 - (1, 14) comprises (22) graphic controller – well known to have video encoder/decoder

Claims 9, 14 Youngblood (figure 1)

- A computer system, comprising
 - System of figure 1
- A bus adapted to connect a plurality of devices and an expansion slot
 - (26) adapted to connect devices and (1)
- An add-in board disposed in the expansion slot, the add-in board comprising a processor
 - (1) comprising (8) connected to (26)
- a remote server console device adapted to communicate on the bus, the device having a remote console functionally assist logic structure controlled by the processor
 - (1, 14) controlled by (8)
- wherein the remote console functionality assist logic structure comprises a video encoder for encoding video signals of a video controller associated with the computer system.

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- (1, 14) comprises (22) graphic controller – well known to have video encoder/decoder

Claims 16, 21Youngblood (figure 1)

- A remote server management control system for a computer system
 - System of figure 1
- The computer system comprising a bus adapted to connect a plurality of devices and an expansion slot
- A bus adapted to connect a plurality of devices and an expansion slot
 - (26) adapted to connect devices and (1)
- An add-in board disposed in the expansion slot, the add-in board comprising a processor
 - (1) comprising (8) connected to (26)
- a remote server console device adapted to communicate on the bus, the device having a remote console functionality assist logic structure controlled by the processor
 - (1, 14) controlled by (8)
- wherein the remote console functionality assist logic structure comprises a video encoder for encoding video signals of a video controller associated with the computer system.
 - (1, 14) comprises (22) graphic controller – well known to have video encoder/decoder

Claims 23, 25Youngblood (figure 1)

- A remotely managed computer system, comprising
 - System of figure 1
- A system processor operably coupled to an (I/O) bus
 - (8, 12) operably coupled to (26, 27)
- A video controller disposed on the bus to provide video signals to the remotely managed computer system
 - Obvious feature of HOST, since the HOST provides video to (22 & 23)
- a remote console functionality assist logic structure disposed on the bus,
 - (1, 14)
- the logic structure adapted to capture the video signals of the video controller and direct video information to a remote computer system
 - (1, 14) controlled by (812) to provide video signal generated by the (26) to (14, 23)
- wherein the remote console functionality assist logic structure comprises a video encoder for encoding video signals of the video controller

- (1, 14) comprises (22) graphic controller – well known to have video encoder/decoder

f. The difference between the claimed invention and the Youngblood's is that the Youngblood reference does not expressly disclose the claimed limitation regarding add-in board-expansion slot; however, such difference in limitation is commonly practiced or even an standard practice in the art of bus addition/expansion technique/system, such as the Youngblood system and the claimed system. The motivation for such practice is to have modular design for easy upgrade, add or expand system. One skill in the art should know the benefit of the modular designed system. The examiner takes official notice on such well known technique and/or common practice. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to be easily motivated to have or add the add-in board (1, 14) to the Youngblood's system for the well known motivation of easy/modular addition/expansion, for the reason stated above.

g. As for method claims 30, 33, 38, 40, 45, 47 & 49, the teachings of the apparatus claims 1, 3, 5, 7, 9, 14, 16, 21, 23 & 25 are similarly applied.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

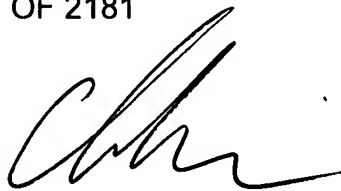
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHRISTOPHER SHIN
PRIMARY EXAMINER
OF 2181

May 11, 2007
cbs

A handwritten signature in black ink, appearing to read 'CShin', is written over the printed name and title of Christopher Shin.